

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re DEOLIVEIRA,

Case No. [19-cv-04327-JST](#)

ORDER OF DISMISSAL

On July 29, 2019, the Court received a letter from Plaintiff. ECF No. 1. That same day, the Clerk of the Court informed plaintiff that this action was deficient because (1) he had failed to attach a petition or complaint to his letter and (2) he had failed to either pay the filing fee or submit an application to proceed *in forma pauperis*. ECF Nos. 2 and 3. Plaintiff was cautioned that the failure to correct these deficiencies by September 5, 2019 would result in dismissal of this action. *Id.* The deadline has passed and plaintiff has not submitted either a petition or a complaint on the form. He also has not submitted an *in forma pauperis* application or paid the filing fee. A complaint that complies with the Federal Rules of Civil Procedure is necessary so that the Court can determine what plaintiff's claims are and whom the proper defendants are, and so that plaintiff can effect service on these defendants. Until an individual has been served, the Court has no jurisdiction over the individual and cannot order relief on behalf of a litigant. Litigants must pay a filing fee before commencing an action.


Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain (1) a petition on the proper form, and (2) a complete *in forma pauperis* application, or full payment for the \$350.00 filing fee. The Clerk shall terminate all pending motions, enter judgment and close

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the file.

IT IS SO ORDERED.

Dated: October 28, 2019


JON S. TIGAR
United States District Judge